

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: 5:15-CV-00522-BR

ARTHUR DONALD DARBY, JR.,

Plaintiff,

v.

ROBESON COUNTY, in the State of North  
Carolina, et al.,

Defendants.

ORDER

This matter is before the court upon the 31 October 2016 memorandum and recommendation ("M&R") of U.S. Magistrate Judge James E. Gates that this action be dismissed. (DE # 8.) Plaintiff has not filed an objection to the M&R.<sup>1</sup> The court adopts the M&R as its own, and for the reasons stated therein, plaintiff's complaint is DISMISSED WITHOUT PREJUDICE as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk is DIRECTED to enter judgment accordingly and close this case.

This 23 November 2016.



W. Earl Britt  
Senior U.S. District Judge

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<sup>1</sup>The Clerk's office mailed a copy of the M&R to two addresses it had for plaintiff. (See D.E. # 8 Remark.) The mailing to one address was returned, marked "RETURN TO SENDER[,] NOT DELIVERABLE AS ADDRESSED[,] UNABLE TO FORWARD." (DE # 9-1.)